

Supplemental Response to the  
Office Action Dated July 8, 2004

Appln. No. 10/613,804

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September 16, 2004

**REMARKS**

This supplemental reply is in response to the Office Action dated July 8, 2004 and to the interview conducted on September 15, 2004 between Examiner Peavey and patent counsel for the applicants, John Chionchio. Reconsideration is respectfully requested.

Summary of Record of Interview Pursuant to 37 CFR 1.133

Applicants thank the Examiner for the interview granted their attorney wherein Claim 1 was discussed along with U.S. Patent No. 5,560,587 to McCutcheon et al. The attorney presented arguments, also outlined in the reply to the aforementioned action filed on August 6, 2004, against the rejection of the pending claims as anticipated by McCutcheon et al. The arguments emphasized the differences between the seal as recited in Claim 1 and the seal disclosed in McCutcheon et al, especially with respect to the positioning of the second channel as recited in Claim 1.

The Examiner acknowledged that there is a difference between the seal disclosed in the application and the seal disclosed in McCutcheon et al, but did not agree that the claim clearly recited the differences. Specifically, the Examiner objected to the use of the term "adjacent" to describe the position of the second channel with respect to the sealing lobe.

Applicants' attorney proposed to substitute the term "contiguous" for the term "adjacent" to describe the relation between the channel and the sealing lobe. The Examiner stated that he would consider such amendments if filed in a supplemental reply to the Action at issue, although no final agreement was reached.

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Support for Claim Amendments

Applicants submit herewith amended claims wherein the term "contiguous" is substituted for the term "adjacent" in independent Claims 1, 16, 24 and 35. Support for the amendments may be found in Figure 2 of the application as originally filed, which illustrates a seal 10 having a channel 36 contiguous to a sealing lobe 16 as recited in the independent claims.

The Argument

Applicants contend that Claims 1, 16, 24 and 35 as amended clearly distinguish over the seal disclosed in McCutcheon et al. As shown in Figure 7B of that reference, channel 122a is not contiguous with sealing lobes 130a, 144a, there being interposed therebetween cavities 124a, retaining ring 126a and a ring segment 128a.

Clearly, McCutcheon et al does not anticipate Claims 1, 16, 24 and 35 because it fails to teach a seal having a channel contiguous with a sealing lobe as recited in these claims. The pending dependent claims are allowable for the same reasons that their base claims are allowable over the cited reference. The Examiner is referred to additional arguments made in the previous reply to the Action further supporting allowability of the dependent claims.

SYNNESTVEDT & LECHNER LLP

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Summary

Applicants have shown that amended Claims 1, 16, 24 and 35 are not anticipated and should be allowable, along with their respective dependent claims. Applicants contend that the application is in condition for allowance and request that it be passed to issue.

Respectfully submitted,

SYNNESTVEDT & LECHNER LLP

By:   
John A. Chionchio  
Reg. No. 40,954

1101 Market Street, Suite 2600  
Philadelphia, PA 19107-2950  
Telephone: (215) 923-4466  
Facsimile: (215) 923-2189

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